IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL

GOVERNMENT APPEAL No.85 of 2001
(Old No.568 of 1994)

The State

... Appellant

Versus

Subhash Chandra Singh Rana S/o Sri Mangal Singh,
R/o Vill.Kimsar Patti Udaipur Tehsil Kotdwar, Distt. Pauri

... Respondent

Dated: November 21, 2007

HON. DHARAM VEER, J.

Heard Sri M.A. Khan, learned brief holder for the State and Sri Narayan Singh, learned counsel for the respondent.

This appeal, preferred, u/s 378(1) of Code of Criminal Procedure, 1973 (*hereinafter to be referred as Cr.P.C.*) is directed against the judgment and order dated 25.9.1993 passed by Munsif Magistrate First Class, Purola Distt. Uttarkashi in Criminal Case No.81 of 1990, State v. Subhash Rana, whereby the learned Magistrate has acquitted the respondent for an offence punishable u/s 409, IPC.

Today Sri M.A. Khan, learned brief holder for the State has filed a copy of letter dated 5.5.2007 which has been addressed to CSC, Nainital, a perusal of which shows that the respondent- Subhash Chandra Singh Rana has died on 26.10.2006. Along with the letter, a death certified of Subhash Chandra Singh Rana has also been enclosed which also shows that the respondent died on 26.10.2006. Sri Narayan Singh, learned counsel for the respondent also submitted that the sole respondent in the appeal-Subhash Chandra Singh Rana has died on 26.10.2006.

In view of the fact that the sole respondent-Subhash Chandra Singh Rana had died on 26.10.2006, the appeal preferred by the State stands abated.

(Dharam Veer, J.)

Rajeev Dang